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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,009	01/11/2002	Susan A. Alic	Analog 5911	8144

7590

02/06/2003

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EXAMINER

LE, THAO X

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/044,009

Applicant(s)

ALIE ET AL.

Examiner

Thao X Le

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 23-26, 30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 23-26, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-8, 23-26, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6096629 to Tsai et al. in view of US 5417821 to Pyke

Regarding to claim 1, Tsai discloses a metallization stack in an integrated device fig. 7 comprising: a silicide layer 28', column 10, line 30, formed on a semiconductor substrate 10 of the integrated circuit device, a titanium-tungsten layer 34 formed directly on silicide layer 28, fig. 7, column 11 line 27-29, to operatively contact an electrically conductive in the

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semiconductor substrate of the integrated device, a conductive layer 36, column 11 line 31, formed over the titanium-tungsten layer.

But, Tsai does not expressly disclose conductive layer 36 is platinum.

However, Tsai discloses the conductive layer 36 is Al, Cu, column 11 line 33. At the time of the invention was made; it would have been obvious to one of ordinary skill in the art to replace the conductive layer 36 of Tsai with Pt, because such material would have been considered a mere substitution of art-recognized equivalent values as it being disclosed in US 5726484, column 5 line 44. Furthermore, Pyke reference discloses the platinum electrode 15, Table I. It would have been obvious to combine the metallization stack teaching of Pyke and Tsai in a device for an intended use.

With respect to MEMS device, it would have been obvious to use the metallization stack teaching of Tsai in a device for an intended use. In addition, the recitation ' in an integrated MEMS device' that has not been given patentable weight because it have been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

Regarding to claims 2-4 Tsai discloses the metallization stack wherein electrically conductive structure is an active silicon element, wherein the semiconductor substrate 10/12 has an insulating film 14, column 5 line 20, formed thereon, the insulating film has a contact hole 13, fig. 3, formed therein, the contact hole exposes a portion of the surface of the semiconductor substrate at a bottom of the contact hole and silicide 28 is formed only on the exposed portion of

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the surface of the semiconductor substrate, fig. 5, wherein the conductive layer 36 is formed on the insulating film 12, fig. 7.

Regarding to claims 5, 6, 8, 24, Tsai does not expressly disclose the metallization stack in the optical MEMS, Bio-MEMS device. However, at the time of the invention was made it would have been obvious to use the metallization stack teaching of Tsai and Pyke in a device for intended use.

Regarding to claim 7, Tsai and Pyke do not disclose the metallization stack wherein the platinum layer forms a corrosive resistant electrode.

However, Pyke disclose the electrode 15 is platinum, Table I. Where the claimed and the prior art products are identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. *In re Best*, 195 USPQ 430, 433 (CCPA 1977).

Regarding to claims 23, 30-31, Tsai disclose the metallization stack wherein the semiconductor substrate 10/12 has an insulating film 14, column 5 line 20, formed thereon, the insulating film has a contact hole 13, fig. 3, formed therein, the contact hole exposes a portion of the surface of the semiconductor substrate at a bottom of the contact hole and silicide 28 is formed only on the exposed portion of the surface of the semiconductor substrate, fig. 5, wherein the conductive layer 36 is formed on the insulating film 12, fig. 7, and being formed on the TiW layer 34, wherein the silicide layer 28 is a platinum silicide layer, column 9 line 31.

With respect to platinum, see discussion in claim 1.

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Regarding to claims 25-26, the processing steps 'depositing Pt', 'depositing an oxide', removing an oxide mask', 'removing the Pt', 'removing remaining hard mask', 'removing Pt by sputtering etching' in claims 25-26 do not carry weight in a claim drawn to structure. In re Thorpe, 277 USPQ 964 (Fed. Cir. 1985).

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

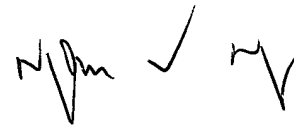
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao X Le whose telephone number is 703-306-0208. The examiner can normally be reached on M-F from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael M Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Thao X. Le
January 31, 2003


Ngan Van Ngo
Primary Examiner